

1 PETER D. KEISLER
2 Assistant Attorney General
3 STEVEN W. MYHRE
United States Attorney
4 District of Nevada
5 GREG ADDINGTON
Assistant United States Attorney
Nevada Bar 6875
6 100 West Liberty, Suite 600
Reno, Nevada 89501
7 VINCENT M. GARVEY
Deputy Branch Director
8 CARLOTTA P. WELLS
RAPHAEL O. GOMEZ
Senior Trial Counsel
Federal Programs Branch
9 Civil Division - Room 7150
U.S. Department of Justice
10 20 Massachusetts Ave., NW/P.O. Box 883
Washington, D.C. 20044
11 Telephone: (202)514-4522
Facsimile: (202) 616-8470

12
13 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

14

15 DENNIS MONTGOMERY, et al.,)
16 Plaintiffs,) 3:06-CV-00056-PMP-VPC
17 v.) **BASE FILE**
18 ETREPID TECHNOLOGIES, INC.,) 3:06-CV-00145-PMP-VPC
et al.,)
19 Defendants.)

20
21 **UNITED STATES' SUPPLEMENTAL NOTICE OF
FILING REGARDING DISCOVERY PROTOCOLS**

22 Pursuant to the Minutes of Proceedings from the October 11, 2007 Case Management
23 conference, the United States submitted a Notice on November 9, 2007 regarding protocols to
24 facilitate the discovery process in accordance with the August 29, 2007 United States' Protective
25 Order, which upheld the government's assertion of the military and state secrets privilege. The
26 version of the proposed discovery protocols attached to the November 9 Notice was transmitted
27 simultaneously to counsel for the parties. The United States files the instant supplemental notice
28 to advise the Court that: (1) counsel for eTrepid Technologies, Inc. has stated that they have no

1 objections to the discovery protocols; and (2) despite further negotiations, the Montgomery
2 parties and the government have not reached an agreement with respect to the final language of
3 the protocols. The United States is prepared to discuss the government's proposed protocols and,
4 in particular, the issues of disagreement at the November 15, 2007 discovery conference.

5 DATED: November 13, 2007

6 Respectfully submitted,

7 PETER D. KEISLER
8 Assistant Attorney General

9 STEVEN W. MYRHE
10 United States Attorney
11 District of Nevada

12 GREG ADDINGTON
13 Assistant United States Attorney
14 Nevada Bar 6875
15 100 West Liberty, Suite 600
16 Reno, Nevada 89501

17 VINCENT M. GARVEY
18 Deputy Branch Director

19 /s/ Carlotta P. Wells
20 CARLOTTA P. WELLS
21 RAPHAEL O. GOMEZ
22 Senior Trial Counsel
23 Federal Programs Branch
24 Civil Division - Room 7150
25 U.S. Department of Justice
26 20 Massachusetts Ave., NW
27 P.O. Box 883
28 Washington, D.C. 20044

29 Counsel for United States
30 Department of Defense